

## ZONING BOARD OF APPEALS

The hearing on Tuesday, July 11, 2023, is called to order by Chairman Kwiek at 7:00pm.

Members present: Ron Carey

Greg Kalinowski

John Jimenez

Jim Lembke

Harry Kwiek

Also: Phyllis Todoro, Town Atty

Ray Balczerak, Building Insp.

Robert Schafer, Alternate

Absent: Shawn Pralow

Appeals Case #1440 for Luke & Elyse Kochmanski of 40 Highland Drive, Elma, NY who is requesting an area variance to build a shed with less than the required side yard setback §144-98 C4, Residential B.

No one was present to represent the case.

Mr. Kalinowski made a motion to give a continuance for Appeals Case #1440 for Luke & Elyse Kochmanski of 40 Highland Drive, Elma, NY who is requesting an area variance to build a shed with less than the required side yard setback §144-98 C4, Residential B.

Seconded by Mr. Schafer. All – yes.

Appeals Case #1441 for Bo Tucker of 6010 Seneca Street, Elma, NY who is requesting an area variance to build a 13,104 square foot building (72x182) §144-84 and §144-85 A&B, Commercial C-2.

Mr. Kwiek asked about the application and the wording in the application in a few areas. Mr. Kwiek also asked the question as to what the purpose of the building was, and the reply was that the front will be a media department and the back of the building will be for storage. Mr. Tucker said the tenant is looking for a larger building but understands that the size is only going to be as large as the last building that was built.

Mr. Jimenez asked how many more buildings could be built on the property Mr. Tucker owns. Mr. Tucker shared a drawing of the various buildings that are being built. Mr. Jimenez asked when the final paperwork was submitted for the drainage and the answer was that recently the various offices received it. It was also asked when the building would be getting started and the reply was within a few weeks.

Mr. Carey asked how many buildings exist currently and that there are three and that this one would be his fourth. Mr. Carey mentioned that Moog is also undergoing a large expansion and asked the question of what would happen if Moog moved out of his buildings. Mr. Tucker responded that he has many customers looking for buildings to lease.

Mr. Carey asked if Mr. Tucker had ever asked the Town Board for a different rezoning of that area and his reply was that he has not. Mr. Carey also wanted to know if the building would look the same as the others and his reply was that it would just be a different color.

Mr. Schafer said in February Mr. Tucker was approved for 6000 Seneca and that there has been nothing built so far on that property. Mr. Kalinowski asked Mr. Tucker what type of work he does for Moog on their property and the reply was concrete work.

Mr. Carey asked when he purchased the property and Bo thought it might have been in 2006. Mr. Kwiek stated there will be no manufacturing work being done at any of the buildings and Mr. Tucker replied that he understood it was not zoned for manufacturing and that there is not.

No one spoke in favor or against the variance.

Mr. Carey made a motion to approve the variance for Appeals Case #1441 for Bo Tucker of 6010 Seneca Street, Elma, NY who is requesting an area variance to build a 13,104

square foot building (72x182) §144-84 and §144-85 A&B, Commercial C-2, based on the following criteria:

- 1) No other means of achieving.
- 2) No undesirable change confirms to the neighborhood.
- 3) No substantial change.
- 4) No adverse effect to environment
- 5) Not self-created in making two lots.

Seconded by Mr. Kalinowski. All- Yes.

Motion to approve the April minutes was made by Mr. Carey and seconded by Mr. Jimenez. Motion to approve the June minutes was made by Mr. Kwiek and seconded by Mr. Kalinowski.

Motion to adjourn at 7:40pm by Mr. Jiminez and seconded: Mr. Carey.

Respectfully Submitted,

Kerry Galuski  
Zoning Board Secretary